



STATE OF HAWAII

DEPARTMENT OF HEALTH

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NPDES PERMIT NO. HI 0110078

**FACT SHEET: APPLICATION FOR RENEWAL OF NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND ZONE
OF MIXING (ZOM) TO DISCHARGE TO THE PACIFIC OCEAN,
WATERS OF THE UNITED STATES**

**PERMITTEE: UNITED STATES MARINE CORPS, MARINE CORPS BASE HAWAII
(MCBH)**

**FACILITY: MARINE CORPS BASE HAWAII, KANEOHE BAY WATER
RECLAMATION FACILITY**

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This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of the draft permit.

A. Permit Information

The following table summarizes administrative information related to the Marine Corps Base Hawaii, Kaneohe Bay Water Reclamation Facility (hereinafter, facility).

Table F-1. Facility Information

Permittee	United States Marine Corps, Marine Corps Base Hawaii, Kaneohe Bay
Name of Facility	Marine Corps Base Hawaii, Kaneohe Bay Water Reclamation Facility
Facility Address	Building 0829 MCBH Kaneohe Bay, Hawaii 96863
Facility Contact, Title, and Phone	Lee Yamamoto, Deputy Director MCBH Facilities Department, (808) 257-0800
Authorized Person to Sign and Submit Reports	C.E. Blanchard, Chief of Staff, (808) 257-7707 Lee Yamamoto, Deputy Director of MCBH Facilities Dept., (808) 257-0800
Mailing Address	PO Box 63082 MCBH Kaneohe Bay, Hawaii 96863
Billing Address	Same as above
Type of Facility	Wastewater Treatment Plant
Pretreatment Program	Yes
Reclamation Requirements	No
Facility Design Flow	2.0 million gallons per day (MGD)
Receiving Waters	Outfall Serial No. 001: Pacific Ocean Outfall Serial No. 002: Kaneohe Bay
Receiving Water Type	Pacific Ocean: Marine Kaneohe Bay: Embayment
Receiving Water Classification	Outfall Serial No. 001: Class A Dry Open Coastal Waters (HAR, Section 11-54-06(b)(2)(B)) Outfall Serial No. 002: Class AA, Embayment (HAR, Section 11-54-06(a)(2)(A)(i))

1. NPDES Permit No. HI 0110078, including ZOM, became effective on February 19, 2007, had permit modifications on August 9, 2007, and expired on July 31, 2011. The Permittee reapplied for an NPDES permit and ZOM on January 26, 2011. The Hawaii Department of Health (hereinafter DOH) administratively extended the NPDES permit, including the ZOM, on August 2, 2011, pending the reapplication process.
2. The Director of Health (hereinafter Director) proposes to issue a permit to discharge to the waters of the state until **<DATE>**, and has included in the draft permit those terms and conditions which are necessary to carry out the provisions of the Federal Water Pollution Control Act (P.L. 92-500), Federal Clean Water Act (CWA) (P.L. 95-217) and Chapter 342D, Hawaii Revised Statutes.

B. Facility Setting

1. Facility Operation and Location

The Permittee owns and operates the facility, located on the Marine Corps Base Hawaii, Kaneohe Bay, on the island of Oahu. The facility has a design dry weather flow capacity of 2.0 MGD and provides secondary level treatment of wastewater for a population of approximately 16,000 from mainly domestic sources and a small portion of minor industrial discharges. Treatment consists of screening and grinding, a grit chamber, a primary clarifier, a trickling filter, a secondary clarifier, and an effluent polishing basin.

Treated effluent is discharged to the Pacific Ocean off of Mokapu Peninsula, through Outfall Serial No. 001 (Mokapu Outfall), at latitude 21° 27' 32" N and longitude 157° 42' 56" W. The Mokapu Outfall is a joint outfall which is also used by the Kailua Regional Wastewater Treatment Plant. The facility is also capable of routing reclaimed wastewater to the Klipper Golf Course for irrigation. However, during the drafting of the draft permit, the facility was not discharging any reclaimed water to the Klipper Golf Course for irrigation and it was not known when that would resume.

Outfall Serial No. 001 is a 48-inch diameter, deep ocean outfall that discharges treated effluent through a diffuser that starts approximately 4,072 feet from a cleanout chamber at shore and 105 feet below the surface of the water. The diffuser is approximately 984 feet long with 81 side ports that range in size from 4 inches to 5.5 inches in diameter and two end ports, one with a 4-inch diameter and one with a 5.5-inch diameter.

Sludge processing consists of anaerobic digestion in a primary digester, a holding tank, and dewatering in four drying beds. Solids are disposed of at landfill on the Marine Corps Base Hawaii.

Storm water from the facility naturally flows to the southwest corner of the facility where it is discharged to a wildlife sanctuary and subsequently discharged to the Pacific Ocean at Kaneohe Bay from Outfall Serial No. 002 at latitude 21° 26' 17" N and longitude 157° 45' 34" W.

Figure 1 of the draft permit provides a map showing the location of the facility. Figure 2 of the draft permit provides a map of the Zone of Mixing (ZOM), Zone of Initial Dilution (ZID), and receiving water monitoring station locations.

2. Receiving Water Classification

The Pacific Ocean off of Mokapu Peninsula, is designated as "Class A Dry Open Coastal Waters" under Section 11-54-06(b)(2)(B), Hawaii Administrative Rules

(HAR). Protected beneficial uses of Class A waters include recreation, aesthetic enjoyment, and the protection and propagation of fish, shellfish, and wildlife.

Kaneohe Bay is designated as "Class AA Embayment" under Section 11-54-06(a)(2)(A)(i). Protected beneficial uses are for the protection of marine life. It is the objective of Class AA waters that these waters remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-caused source or actions.

3. Ocean Discharge Criteria

The Director has considered the Ocean Discharge Criteria, established pursuant to Section 403(c) of the CWA for the discharge of pollutants into the territorial sea, the waters of the contiguous zone, or the oceans. The United States Environmental Protection Agency (EPA) has promulgated regulations for Ocean Discharge Criteria in 40 Code of Federal Regulations (CFR) Part 125, Subpart M. The Director has determined that the discharge will not cause unreasonable degradation to the marine environment. Based on current information, the Director proposes to issue a permit.

4. Impaired Water Bodies on CWA 303(d) List

CWA section 303(d) requires states to identify specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources.

On July 24, 2012, the EPA approved the 2008/2010 State of Hawaii Water Quality Monitoring and Assessment Report, which includes the 2008/2010 303(d) List of Impaired Water Bodies in the State of Hawaii.

The Pacific Ocean off of Mokapu Peninsula is not specifically listed in the 2008/2010 303(d) list. However, Fort Hase Beach, which is the closest listing to Outfall Serial No. 001, is listed on the 2008/2010 303(d) list but is not listed as impaired and is reported as a Category 3 waterbody. At present, no TMDLs have been established for this waterbody.

The Southern Region of Kaneohe Bay (located adjacent to the Facility) is listed in the 2008/2010 303(d) list as not attaining water quality for enterococci, total nitrogen, nitrate+nitrite and turbidity and a TMDL is necessary for this waterbody. At present, no TMDLs have been established for this waterbody.

5. Summary of Existing Effluent Limitations

a. Existing Effluent Limitations and Monitoring Data – Outfall Serial No. 001

Effluent limitations contained in the existing permit for discharges from Outfall Serial No. 001 and representative monitoring data from January 2009 through March 2012 is presented in the following table.

Table F-2. Historic Effluent Limitations and Monitoring Data – Outfall Serial No. 001

Parameter	Units	Effluent Limitation			Reported Data ¹		
		Average Monthly	Average Weekly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily
Flow	MGD	²	²	²	1.7	NR	25.8
Biochemical Oxygen Demand (5-Day)	mg/L	30	45	²	20	29	43
	lbs/day	500	751	²	196	442	NR
	% Removal	As a monthly average, not less than 85 percent removal efficiency from influent stream.			90 ³		
Total Suspended Solids	mg/L	30	45	²	17	26	26
	lbs/day	500	751	²	172	486	NR
	% Removal	As a monthly average, not less than 85 percent removal efficiency from influent stream.			94 ³		
pH	standard units	Not less than 6.0 nor greater than 9.0			6.7 – 8.3		
Enterococci	CFU/100 mL	²	²	²	93,200	250,000	250,000
Oil and Grease	mg/L	--	--	10	--	--	5.9
Total Nitrogen	mg/L	--	--	²	--	--	29
Total Phosphorus	mg/L	--	--	²	--	--	4.6
Chronic Toxicity – <i>Ceriodaphnia Dubia</i>	TUc	--	--	186	--	--	59
Chronic Toxicity – <i>Tripneustes Gratilla</i>	TUc	--	--	⁴	--	--	476

NR – Not Reported

¹ Source: Monthly DMR's submitted by the Permittee from January 2009 through March 2012.

² No effluent limitations for this pollutant in the previous permit, only monitoring required.

³ Represents the minimum reported percent removal.

⁴ The chronic toxicity discharge limitation of 186 TUc listed in Part A.1 of the previous permit does not apply to monitoring results for toxicity tests using *Tripneustes gratilla*.

b. Existing Storm Water Limitations and Monitoring Data – Outfall Serial No. 002

Storm water limitations contained in the existing permit for discharges from Outfall Serial No. 002 are presented in the following table. There were no

discharges of storm water to Outfall Serial No. 002 during the term of the previous permit; therefore, no monitoring data is available.

Table F-3. Historic Storm Water Limitations and Monitoring Data – Outfall Serial No. 002

Parameter	Units	Effluent Limitation
Flow	GPD	1
Biochemical Oxygen Demand (5-Day)	mg/L	1
Chemical Oxygen Demand	mg/L	1
Total Suspended Solids	mg/L	100
Total Phosphorus	mg/L	1
Total Nitrogen	mg/L	1
Nitrate Plus Nitrite Nitrogen	mg/L	1
Oil and Grease	mg/L	15
pH	standard units	7.0 – 8.6

1 No effluent limitations for this pollutant in the previous permit, only monitoring required.

6. Compliance Summary

There were no effluent limitation exceedances from Outfall Serial No. 001 or Outfall Serial No. 002 during the term of the previous permit.

7. Planned Changes

There are no planned changes expected during the term of the draft permit.

C. Applicable Plans, Policies, and Regulations

1. Hawaii Administrative Rules, Chapter 11-54

On November 12, 1982, the Hawaii Administrative Rules, Title 11, Department of Health, Chapter 54 became effective (hereinafter HAR, Chapter 11-54). HAR, Chapter 11-54 was amended and compiled on October 6, 1984; April 14, 1988; January 18, 1990; October 29, 1992; April 17, 2000; October 2, 2004; June 15, 2009; October 21, 2012; and the most recent amendment was on December 6, 2013. HAR, Chapter 11-54 establishes beneficial uses and classifications of state waters, the state antidegradation policy, zones of mixing standards, and water quality criteria that are applicable to the Pacific Ocean off of Mokapu Peninsula and Kaneohe Bay.

Requirements of the draft permit implement HAR, Chapter 11-54.

2. Hawaii Administrative Rules, Chapter 11-55

On November 27, 1981 HAR, Title 11, Department of Health, Chapter 55 became effective (hereinafter HAR, Chapter 11-55). HAR Chapter 11-55 was

amended and compiled on October 29, 1992; September 22, 1997; January 6, 2001; November 7, 2002; August 1, 2005; October 22, 2007; June 15, 2009; October 21, 2012; and the most recent amendment was on December 6, 2013. HAR, Chapter 11-55 establishes standard permit conditions and requirements for NPDES permits issued in Hawaii.

Requirements of the draft permit implement HAR, Chapter 11-55.

3. State Toxics Control Program

NPDES Regulations at 40 CFR 122.44(d) require permits to include water quality-based effluent limitations (WQBELs) for pollutants, including toxicity, that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an exceedance of a water quality standard. The *State Toxics Control Program: Derivation of Water Quality-Based Discharge Toxicity Limits for Biomonitoring and Specific Pollutants* (hereinafter, STCP) was finalized in April, 1989, and provides guidance for the development of water quality-based toxicity control in NPDES permits by developing the procedures for translating water quality standards in HAR, Chapter 11-54 into enforceable NPDES permit limitations. The STCP identifies procedures for calculating permit limitations for specific toxic pollutants for the protection of aquatic life and human health.

Guidance contained in the STCP was used to determine effluent limitations in the draft permit.

D. Rationale for Effluent Limitations and Discharge Specifications

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. NPDES regulations establish two principal bases for effluent limitations. At 40 CFR 122.44(a), permits are required to include applicable technology-based limitations and standards; and at 40 CFR 122.44(d), permits are required to include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. When numeric water quality objectives have not been established, but a discharge has the reasonable potential to cause or contribute to an excursion above a narrative criterion, WQBELs may be established using one or more of three methods described at 40 CFR 122.44(d) – 1) WQBELs may be established using a calculated water quality criterion derived from a proposed state criterion or an explicit state policy or regulation interpreting its narrative criterion; 2) WQBELs may be established on a case-by-case basis using EPA criteria guidance published under CWA Section 304(a); or 3) WQBELs may be established using an indicator parameter for the pollutant of concern.

1. Technology-Based Effluent Limitations

a. Scope and Authority

Section 301(b) of the CWA and implementing EPA permit regulations at 40 CFR 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this permit must meet minimum federal technology-based requirements based on Secondary Treatment Standards at 40 CFR 133.

Regulations promulgated in 40 CFR 125.3(a)(1) require technology-based effluent limitations for municipal dischargers to be placed in NPDES permits based on Secondary Treatment Standards or Equivalent to Secondary Treatment Standards.

The Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) established the minimum performance requirements for publically owned treatment works (POTWs) [defined in section 304(d)(1)]. CWA Section 301(b)(1)(B) requires that such treatment works must, at a minimum, meet effluent limitations based on secondary treatment as defined by the EPA Administrator.

Based on this statutory requirement, EPA developed secondary treatment regulations, which are specified in 40 CFR 133. These technology-based regulations apply to all municipal wastewater treatment plants and identify the minimum level of effluent quality attainable by secondary treatment in terms of 5-day biochemical oxygen demand (BOD₅), total suspended solids (TSS), and pH.

b. Applicable Technology-Based Effluent Limitations

At 40 CFR 133 in the Secondary Treatment Regulations, EPA has established the minimum required level of effluent quality attainable by secondary treatment shown in Table F-4 below. The standards in Table F-4 are applicable to the facility and therefore established in the draft permit as technology-based effluent limitations.

Table F-4. Applicable Technology-Based Effluent Limitations

Parameter	Units	30-Day Average	7-Day Average
BOD ₅ ¹	mg/L	30	45
TSS ¹	mg/L	30	45
pH	standard units	6.0 – 9.0	

¹ The 30-day average percent removal shall not be less than 85 percent.

2. Water Quality-Based Effluent Limitations (WQBELs)

a. Scope and Authority

NPDES Regulations at 40 CFR 122.44(d) require permits to include WQBELs for pollutants, including toxicity, that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard (reasonable potential). As specified in 40 CFR 122.44(d)(1)(i), permits are required to include WQBELs for all pollutants “which the Director determines are or may be discharged at a level that will cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard.”

The process for determining reasonable potential and calculating WQBELs, when necessary, is intended to protect the receiving waters as specified in HAR, Chapter 11-54. When WQBELs are necessary to protect the receiving waters, the DOH has followed the requirements of HAR, Chapter 11-54, the STCP, and other applicable State and federal guidance policies to determine WQBELs in the draft permit.

Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, WQBELs must be established in accordance with the requirements of 40 CFR 122.44(d)(1)(vi), using (1) EPA criteria guidance under CWA Section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state’s narrative criterion, supplemented with other relevant information.

b. Applicable Water Quality Standards

The beneficial uses and water quality standards that apply to the receiving waters for this discharge are from HAR, Chapter 11-54.

(1) HAR, Chapter 11-54. HAR, Chapter 11-54 specifies numeric aquatic life standards for 72 toxic pollutants and human health standards for 60 toxic pollutants, as well as narrative standards for toxicity. Effluent limitations and provisions in the draft permit are based on available information to implement these standards.

(2) Water Quality Standards. The facility discharges to the Pacific Ocean, which is classified as a marine Class A Dry Open Coastal Waters in HAR, Chapter 11-54. As specified in HAR, Chapter 11-54, saltwater standards apply when the dissolved inorganic ion concentration is above 0.5 parts

per thousand. As such, a reasonable potential analysis (RPA) was conducted using saltwater standards. Additionally, human health water quality standards were also used in the RPA to protect human health. Where both saltwater standards and human health standards are available for a particular pollutant, the more stringent of the two will be used in the RPA.

40 CFR 122.45(c) requires effluent limitations for metals to be expressed as total recoverable metal. Since water quality standards for metals are expressed in the dissolved form in HAR, Chapter 11-54, factors or translators must be used to convert metal concentrations from dissolved to total recoverable. Default EPA conversion factors were used to convert the applicable dissolved criteria to total recoverable.

(3) Receiving Water Hardness. HAR, Chapter 11-54 contains water quality criteria for six metals that vary as a function of hardness in freshwater. A lower hardness results in a lower freshwater water quality standard. The metals with hardness dependent standards include cadmium, copper, lead, nickel, silver, and zinc. Ambient hardness values are used to calculate freshwater water quality standards that are hardness dependent. Since saltwater standards are used for the RPA, the receiving water hardness was not taken into consideration when determining reasonable potential.

c. Determining the Need for WQBELs

NPDES regulations at 40 CFR 122.44(d) require effluent limitations to control all pollutants which are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. Assessing whether a pollutant has reasonable potential is the fundamental step in determining whether or not a WQBEL is required. Using the methods prescribed in EPA's *Technical Support Document for Water Quality-Based Toxics Control* (the TSD, EPA/505/2-90-001, 1991), the effluent data from Outfall Serial No. 001 were analyzed to determine if the discharge demonstrates reasonable potential. The RPA compared the effluent data with numeric and narrative water quality standards in HAR, Chapter 11-54-4. To determine reasonable potential for nutrients contained in HAR, Chapter 11-54-6, a direct comparison of the receiving water concentrations at the edge of the ZOM was compared to the most stringent WQS.

(1) Reasonable Potential Analysis (RPA). The RPA for pollutants with WQS specified in HAR, Chapter 11-54-4, based on the TSD, combines knowledge of effluent variability as estimated by a coefficient of variation with the uncertainty due to a limited number of data to project an estimated maximum receiving water concentration as a result of the

effluent. The estimated receiving water concentration is calculated as the upper bound of the expected lognormal distribution of effluent concentrations at a high confidence level. The projected maximum receiving water concentration, after consideration of dilution, is then compared to the WQS in HAR, Chapter 11-54 to determine if the pollutant has reasonable potential. The projected maximum receiving water concentration has reasonable potential if it cannot be demonstrated with a high confidence level that the upper bound of the lognormal distribution of effluent concentrations is below the receiving water standards.

Because the most stringent WQS for pollutants specified in HAR, Chapter 11-54-6 are provided as geometric means and exceedances of these WQS are less sensitive to effluent variability, the RPA for pollutants in HAR, Chapter 11-54-6 was conducted by doing a direct comparison of the maximum effluent concentration to the most stringent applicable WQS after consideration of dilution, where applicable.

(2) Effluent and Receiving Water Data. The RPA was based on effluent monitoring data submitted to DOH in DMRs from January 2008 through March 2012. Because the Mokapu Outfall is a joint outfall, receiving water data was collected by the Kailua Regional Wastewater Treatment Plant and submitted to the DOH in DMRs from January 2008 through October 2012.

(3) Dilution. The STCP discusses dilution, defined as the reduction in the concentration of a pollutant or discharge which results from mixing with the receiving waters, for submerged and high-rate outfalls. The STCP states that minimum dilution is used for establishing effluent limitations based on chronic criteria and human health standards for non-carcinogens, and average conditions is used for establishing effluent limitations based on human health standards for carcinogens.

The previous permit included a dilution of 185:1 (seawater:effluent) for effluent limitations. The dilution used was based on the results of a 1985 Dilution Study (hereinafter Study) conducted by a contractor (Tetra Tech, Inc.) for an EPA's 301(h) application review, using EPA's mathematical model, PLUME. In the Study, the critical minimum initial dilution was determined to be 185:1. EPA's *Initial Mixing Characteristic of Municipal Ocean Discharges* indicates that "worst-case" conditions be evaluated using a combination of conservative values for conditions affecting initial dilution. Although no average dilution was provided, using a minimum critical initial dilution of 185:1 for calculating effluent limitations for human health standard for carcinogens is more conservative than an average dilution and will still be protective of water quality. Therefore, because only a critical minimum initial dilution was used in the previous permit and a new dilution study has not been conducted, the DOH has determined

the critical short-term initial dilution of 185:1 is still protective of water quality for chronic and fish consumption criteria for non-carcinogens, and fish consumption criteria for carcinogens.

HAR chapter 11-54-9 allows the use of a ZOM to demonstrate compliance with WQS. ZOMs consider initial dilution, dispersion, and reactions from substances which may be considered to be pollutants. However, due to other potential sources of pollutants into the receiving water, such as storm water runoff or unidentified discharges, it is often problematic to determine the cause of WQS exceedances in the receiving water at the edge of a ZOM. It is more practical to determine the available dilution provided in the ZOM and apply that dilution to the WQS to calculate an effluent limitation that can be applied end-of-pipe. However, an available dilution at the edge of the ZOM is not currently known for this discharge. Thus, for Section 11-54-6(b)(3) parameters, reasonable potential to contribute to an exceedance of WQS is most reasonably assessed by comparing monitoring data at the edge of the ZOM to the applicable WQS. If an annual geometric mean at the edge of a ZOM exceeds the applicable WQS, the Permittee is determined to have reasonable potential for the pollutant. If an exceedance of WQS is not observed at the edge of the ZOM, it is assumed that sufficient dilution and assimilative capacity exists to meet WQS at the edge of the ZOM.

Where reasonable potential has been determined for Section 11-54-6(b)(3) pollutants, limitations must be established that are protective of water quality. Because the dilution at the edge of the ZOM is not known, where assimilative capacity exists this permit establishes limitations for Section 11-54-6(b)(3) pollutants as performance-based effluent limitations and receiving water limitations and requires the Permittee to conduct a dilution analysis at the edge of the ZOM so that end-of-pipe effluent limitations may be established during future permitting efforts. Where assimilative capacity does not exist, it is not appropriate to grant a ZOM and/or dilution, and an end-of-pipe criteria-based effluent limitation must be established that is protective of WQS.

Assimilative capacity for pollutants with reasonable potential is evaluated for Section 11-54-6(b)(3) pollutants by aggregating all ZOM control station data annually and comparing the annual geometric means to the applicable WQS. If an annual geometric mean exceeds 90 percent of the WQS, assimilative capacity is determined to be insufficient and dilution may not be granted.

(4) Summary of RPA Results. The maximum effluent concentrations from the DMRs over the current permit term, maximum projected receiving water concentration after dilution calculated using methods from the TSD, the applicable HAR, Section 11-54-4(b)(3) and 11-54-6(b)(3) water quality

standard, and result of the RPA for pollutants discharged from Outfall Serial No. 001 are presented in Table F-5, below. Only pollutants detected in the discharge are presented in Table F-5. All other pollutants were not detected and therefore, no reasonable potential exists.

Table F-5. Summary of RPA Results

Parameter	Units	Maximum Effluent Concentration	Maximum Projected Concentration	Applicable Water Quality Standard	RPA Results
Arsenic, Total Recoverable	µg/L	0.96	0.024	36	No
Chromium, Total Recoverable	µg/L	0.93	0.024	50 ¹	No
Copper, Total Recoverable	µg/L	13	0.33	3.5	No
Lead, Total Recoverable	µg/L	4.0	0.10	5.9	No
Nickel, Total Recoverable	µg/L	2.0	0.050	8.4	No
Selenium, Total Recoverable	µg/L	0.42	0.011	71	No
Silver, Total Recoverable	µg/L	18	0.46	2.7	No
Zinc, Total Recoverable	µg/L	33	0.84	91	No
Bis(2-Ethylhexyl)Phthalate	µg/L	84	2.1	16,000	No
Chlordane	µg/L	0.74	0.019	0.00016	Yes
Total Nitrogen	µg/L	93.5 ²	NA	110	No
Ammonia Nitrogen	µg/L	4.2 ²	NA	2.0	Yes
Nitrate + Nitrite Nitrogen	µg/L	3.7 ²	NA	3.5	Yes
Total Phosphorus	µg/L	8.7 ²	NA	16	No
Oil and Grease	mg/L	5.9	NA	³	Yes

Not Applicable

¹ Water quality standard is expressed as Chromium VI.

² Maximum annual geometric mean at the edge of the ZOM.

³ HAR, Section 11-54-4(a)(2) establishes a narrative water quality objective that all waters shall be free of floating debris, oil, grease, scum, or other floating materials.

(5) Reasonable Potential Determination.

(a) Constituents with limited data. In some cases, reasonable potential cannot be determined because effluent data are limited. The draft permit requires the Permittee to continue to monitor for these constituents in the effluent using analytical methods that provide the lowest available detection limitations. When additional data become available, further RPAs will be conducted to determine whether to add numeric effluent limitations to this draft permit or to continue monitoring.

Data for the following parameters was not available:

- Dioxin TEQ
- 1,2,4,5-Trichlorobenzene
- 2,3,4,6-Tetrachlorophenol
- Aluminum
- Chlorine
- Chlorpyrifos
- Cyclohexane-technical
- Dichlorophenol (2,4)
- Isopropylchloroether
- Methyl(bis)chloroether

- Nitrosamines
- Nitroso-dibutylamine-N
- Nitroso-diethylamine-N
- Pentachloroethanes
- Pyrrolidine-N
- Tetrachloroethanes
- Tributyltin
- Ammonia Nitrogen
- Nitrate Plus Nitrite

(b) Pollutants with No Reasonable Potential. WQBELs are not included in this draft permit for constituents listed in HAR, Chapter 11-54-4(3) and 11-54-6(b)(3) that do not demonstrate reasonable potential; however, monitoring for such pollutants is still required in order to collect data for future RPAs. Pollutants with no reasonable potential consist of those identified as such in Table F-5 or any pollutant not discussed in Parts D.2.c.(5).(a) or D.2.c.(5).(c) of this Fact Sheet.

(c) Pollutants with Reasonable Potential. The RPA indicated that ammonia nitrogen, chlordane, nitrate plus nitrite, and oil and grease have reasonable potential to cause or contribute to an excursion above state water quality standards. Further, due to the potential human health concerns from pathogens, effluent limitations for enterococcus have been established. Thus, WQBELs have been established in this draft permit at Outfall Serial No. 001 for ammonia nitrogen, chlordane, enterococcus, nitrate plus nitrite, and oil and grease.

The WQBELs were calculated based on water quality standards contained in HAR, Chapter 11-54 and procedures contained in both STCP and HAR, Chapter 11-54, as discussed in Part D.2.d, below.

d. WQBEL Calculations

Specific pollutant limits may be calculated for both the protection of aquatic life and human health.

(1) WQBELs based on Aquatic Life Standards. The STCP categorizes a discharge from a facility into one of four categories: (1) marine discharges through submerged outfalls; (2) discharges without submerged outfalls; (3) discharges to streams; or (4) high-rate discharges. Once a discharge has been categorized, effluent limitations for pollutants with reasonable potential can be calculated, as described below.

(a) For marine discharges through submerged outfalls, the daily maximum effluent limitation shall be the product of the chronic water quality standard and the minimum dilution factor;

(b) For discharges without submerged outfalls, the daily maximum effluent limitation shall be the acute toxicity standard. More stringent limits based on the chronic standards may be developed using Best Professional Judgment (BPJ);

(c) For discharges to streams, the effluent limitation shall be the most stringent of the acute standard and the product of the chronic standard and dilution; and

(d) For high rate outfalls, the maximum limit for a particular pollutant is equal to the product of the acute standard and the acute dilution factor determined according to Section II.B.4 of the STCP. More stringent limits based on chronic standards may be developed using BPJ.

(2) WQBELs based on Human Health Standards. The STCP specifies that the fish consumption standards are based upon the bioaccumulation of toxics in aquatic organisms followed by consumption by humans. Limits based on the fish consumption standards should be applied as 30-day averages for non-carcinogens and annual averages for carcinogens.

The discharge from this facility is considered a marine discharge through a submerged outfall. Therefore, for pollutants with reasonable potential, the draft permit establishes, on a pollutant by pollutant basis, daily maximum effluent limitations based on saltwater chronic aquatic life standard after considering dilution and average monthly effluent limitations for non-carcinogens or annual average effluent limitations for carcinogens based on the human health standard after considering dilution. WQBELs established in the draft permit are discussed in detail below.

(3) Calculation of Pollutant-Specific WQBELs

As discussed in Part D.2.c.(3) of this Fact Sheet, a dilution of 185:1 has been granted.

The following equations were used to calculate reasonable potential for the pollutants below.

$$\text{Projected Maximum RWC} = \text{MEC} \times 99\%_{\text{ratio}} \times \text{Dm}$$

Where:

- RWC = Receiving water concentration
- MEC = Maximum effluent concentration reported
- 99%_{ratio} = The 99% ratio from Table 3-1 in the TSD or calculated using methods in Section 3.3.2 of the TSD.
- Dm = Percent Dilution (i.e., 185:1, or 0.54%)

If the projected maximum receiving water concentration is greater than the applicable water quality standard from HAR, Chapter 11-54, the reasonable potential exists for the pollutant and effluent limitations are established. Pollutants with reasonable potential are discussed below in detail.

(a) Chlordane

- i. **Chlordane Water Quality Standards.** The most stringent applicable water quality standard for chlordane is the human health standard of 0.00016 µg/L, as specified in HAR, Chapter 11-54.
- ii. **RPA Results.** The Permittee reported four data points for chlordane (n = 4), resulting in a CV = 0.6. Based on a CV of 0.6 and four samples, the 99% multiplier calculated using methods described in section 3.3.2 of the TSD was 4.7. As discussed in Part D.2.c.(3), the facility is granted a dilution of 185:1. Therefore, Dm = 0.54%.

The maximum effluent concentration for chlordane was 0.74 µg/L.

$$\begin{aligned}\text{Projected Maximum RWC} &= \text{MEC} \times 99\%_{\text{ratio}} \times \text{Dm} \\ &= (0.74 \text{ µg/L}) \times 4.7 \times 0.0054 \\ &= 0.019 \text{ µg/L}\end{aligned}$$

$$\text{HAR 11-54 Water Quality Standard} = 0.00016 \text{ µg/L}$$

The projected maximum receiving water concentration (0.019 µg/L) exceeds the most stringent applicable water quality standard for this pollutant (0.00016 µg/L), demonstrating reasonable potential. Therefore, the draft permit establishes effluent limitations for chlordane.

- iii. **Chlordane WQBELs.** WQBELs for chlordane are calculated using STCP procedures and are based on the chronic aquatic life water quality standard and human health standard. The draft permit establishes a daily maximum effluent limitation for chlordane of 0.74 µg/L based on the chronic aquatic life water quality standard and a dilution of 185:1, and an annual average effluent limitation of 0.030 µg/L based on the human health standard for carcinogens and a dilution of 185:1.
- iv. **Feasibility.** The maximum effluent concentration reported for chlordane during the term of the previous permit was 0.74 µg/L. Since the maximum effluent concentration is equal to the proposed maximum daily effluent limitation of 0.74 µg/L and there are only four data points, the Permittee has indicated that they may not be able to immediately comply with the proposed maximum daily chlordane effluent limitations.

The maximum annual average concentration reported for chlordane during the term of the previous permit was 0.74 µg/L. Since the maximum annual average effluent concentration is greater than the

proposed annual average effluent limitation of 0.030 µg/L, the DOH has determined that the facility may not be able to immediately comply with the proposed annual average effluent limitation.

On September 17, 2013, due to the determination that it is not feasible to comply with the applicable effluent limitations for chlordane, the Permittee, requested a compliance schedule for chlordane. The DOH requested additional information on October 17, 2013 in regards to this, and the Permittee provided a recommended compliance schedule on September 20, 2013 based on the minimum amount of time needed to complete each task.

Consistent with HAR 11-55-21, this permit establishes an interim effluent limit for chlordane and a compliance schedule for the Permittee to comply with the final effluent limitation for chlordane as soon as possible, but no longer than 9.5 years.

The schedule of compliance is being proposed for parameters that were not limited at the proposed levels in the previous permit and the existing discharge is not expected to comply with the proposed limits. The schedule of compliance as described in the permit is in accordance with 40 CFR 122.47.

Interim and final compliance dates included in the permit represent a reasonable time period to complete the necessary tasks, and ensure compliance is achieved without unnecessary delay. Compliance tasks and dates are based on a time frame determined by DOH (with the Permittee's input) to be able to acquire funding and procure services required for compliance. The Permittee has indicated that the improvements to the plant would most likely be considered a Military Construction Project which requires at least a minimum 4 year lead time for funding before design can begin.

In addition, final compliance may ultimately require the implementation of unidentified treatment technologies, with unknown implementation and operational costs, thus, a systematic approach initially evaluating less costly alternatives, and providing sufficient time to investigate study results and evaluate control technologies is necessary. Interim requirements and final compliance is required "as soon as possible", requiring the Permittee to comply with the interim compliance tasks and final effluent limitations before the established interim compliance dates, if possible. As such, the compliance schedule requires compliance as soon as possible, consistent with the requirements of 40 CFR 122.47(1). DOH believes that the schedule and milestones as described in the proposed permit will achieve compliance with the final effluent limits as soon as possible.

The schedule of compliance exceeds one (1) year from the date of permit issuance. Consistent with the requirements of 40 CFR 122.47(3), interim compliance dates and reporting requirements have been established no greater than one (1) year apart, and to ensure consistent progress toward compliance with final effluent limitations.

During the compliance schedule, the Permittee is required to maintain current treatment capability. Interim effluent limitations for chlordane have been established until the final effluent limitations become effective. Interim effluent limitations have been established based on effluent data from January 2008 through December 2011 (the DOH also reviewed 2012 chlordane data which was reported as non-detected). There were four daily effluent data points during this time period. The use of the MEC (0.74 µg/l) for the basis of an interim daily maximum limitation is not reasonable, as this value is exactly equal to the final effluent limit and there are only a limited number (4) of effluent data points. Consistent with guidance provided in EPA's TSD, interim daily maximum has been calculated based on the 99th percentile of an assumed lognormal distribution.

Thus, a single sample maximum interim effluent limitation for chlordane of 3.48 µg/l (0.74 µg/L x 4.7) has been established in this permit. An annual interim effluent limitation was not established since the maximum daily limit is based on just one data point per year. As such, the annual interim limit would be the same as the maximum daily interim limit value. Thus, establishing the maximum daily interim limitation would assure compliance with an annual limit.

- v. **Anti-backsliding.** Anti-backsliding regulations are satisfied because the previous permit did not establish effluent limitations for chlordane, thus these limitations are at least as stringent as the previous permit.

e. Ammonia Nitrogen

HAR Chapter 11-54-6 establishes the following WQS for ammonia nitrogen:

Parameter	Geometric Mean	Value not to exceed more than 10% of the time	Value not to exceed more than 2% of the time
Ammonia Nitrogen (µg/L)	2.00	5.00	9.00

As demonstrated in Table F-5 of this Fact Sheet, reasonable potential to exceed applicable WQS for ammonia nitrogen has been determined.

Zone of mixing data from March 2008 through October 2012 indicate that assimilative capacity is not available for ammonia nitrogen in the receiving water. Assimilative capacity was evaluated as specified below:

- (1) Review EPA's 303(d) list to determine if the water body is impaired for ammonia nitrogen.

The water body is not listed in EPA's 303(d) list for ammonia nitrogen.

- (2) Identify nearby control stations to determine the "decision unit" for analysis.

Control Stations MB1 and MB6 are the available reference station and have been identified as the applicable control stations for evaluating assimilative capacity and constitutes the decision unit for the analysis.

- (3) Data from all stations (including surface, middle, and bottom) are aggregated together to represent the decision unit and generate annual geomeans. To ensure adequate assimilative capacity, the highest annual geomean for the decision unit shall not exceed 90 percent of the applicable WQS.

The resulting geomeans were:

Year	Result (µg/L)
2008	2.0
2009	2.1
2010	0.8
2011	1.7
2012	1.4

The highest annual geomean for the decision unit of 2.1 µg/L is greater than 90 percent of the applicable WQS (1.8 µg/L). Based on this objective, assimilative capacity is not present in the receiving water.

- (4) Consider other available information if available, including studies, reports, and receiving water data trends.

The annual geomeans for the last three years of data show a trend of lowered concentrations of ammonia nitrogen in the receiving water. On average, the geomeans for the last three (3) years represent a decrease of approximately 41 percent from the highest annual geomean and is below 90 percent of the applicable WQS. Therefore assimilative capacity has been granted for ammonia nitrogen based on receiving water data trends.

The Permittee shall be required to conduct a ZOM dilution study to establish available dilution at the edge of the ZOM and verify that assimilative capacity within the receiving water exists for ammonia nitrogen.

Because the available dilution at the edge of the ZOM is not currently known, end-of-pipe water quality-based effluent limitations cannot be determined. However, WQS exceedances at the edge of the ZOM occurred over the previous permit term, indicating that current effluent concentrations have the potential to exceed the available dilution for ammonia nitrogen. In the absence of a known dilution within the ZOM, and in addition to applicable receiving water limitations and requirements to evaluate available dilution at the edge of the ZOM, this permit establishes performance-based effluent limitations for ammonia nitrogen to minimize the potential for WQS exceedances within the receiving water.

Performance-based effluent limitations are typically developed based on observed effluent data over a permit-term, however, due to the data set being limited to a single effluent monitoring event, additional analysis is necessary. The observed maximum effluent concentration for total nitrogen was 29 mg/L. Subtracting monthly nitrate + nitrite concentrations from total nitrogen, provides monthly data from January 2009 through March 2012 for ammonia nitrogen plus organic nitrogen. The maximum observed concentration for ammonia plus organic nitrogen (total nitrogen minus nitrate and nitrite), was 26,810 µg/L. Due to limited effluent data, this is the best estimate of the treatment performance of the Facility for ammonia nitrogen. Thus, a single sample maximum effluent limitation for ammonia nitrogen of 26,810 µg/L has been established in this permit.

Anti-backsliding regulations are satisfied because effluent limitations were not established in the previous permit for ammonia nitrogen, thus these limitations are at least as stringent as the previous permit.

f. Nitrate Plus Nitrite Nitrogen

HAR Chapter 11-54-6 establishes the following WQS for nitrate plus nitrite nitrogen:

Parameter	Geometric Mean	Value not to exceed more than 10% of the time	Value not to exceed more than 2% of the time
Nitrate Plus Nitrite (µg/L)	3.5	10.00	20.00

As demonstrated in Table F-5 of this Fact Sheet, reasonable potential to exceed applicable WQS for nitrate + nitrite has been determined.

Zone of mixing data from March 2008 through October 2012 indicate that assimilative capacity is available for nitrate + nitrite in the receiving water. Assimilative capacity was determined as specified below:

- (1) Review EPA's 303(d) list to determine if the water body is impaired for nitrate + nitrite.

The water body is not listed in EPA's 303(d) list for nitrate + nitrite.

- (2) Identify nearby control stations to determine the "decision unit" for analysis.

Control Stations MB1 and MB6 are the available reference station and have been identified as the applicable control stations for evaluating assimilative capacity and constitutes the decision unit for the analysis.

- (3) Data from all stations (including surface, middle, and bottom) are aggregated together to represent the decision unit and generate annual geomeans. To ensure adequate assimilative capacity, the highest annual geomean for the decision unit shall not exceed 90 percent of the applicable WQS.

The resulting geomeans were:

Year	Result (µg/L)
2008	1.03
2009	0.91
2010	0.69
2011	0.92
2012	0.61

The highest annual geomean for the decision unit of 1.03 µg/L is less than 90 percent of the applicable WQS (3.15 µg/L). Assimilative capacity appears to be present in the receiving water.

- (4) Consider other available information if available, including studies, reports, and receiving water data trends.

Information is not currently known that would result in the removal of assimilative capacity for nitrate + nitrite. An apparent trend of increasing concentration within the receiving water at the reference station does not appear present. The Permittee shall be required to conduct a ZOM dilution study to establish available dilution at the edge of the ZOM and verify that assimilative capacity within the receiving water exists for nitrate + nitrite.

Because the available dilution at the edge of the ZOM is not currently known, end-of-pipe water quality-based effluent limitations can not be determined. However, WQS exceedances at the edge of the ZOM occurred over the previous permit term, indicating that current effluent concentrations have the potential to exceed the available dilution for nitrate+nitrite. In the absence of a known dilution within the ZOM, and in addition to applicable receiving water limitations and requirements to evaluate available dilution at the edge of the ZOM, this permit establishes performance-based effluent limitations for nitrate+nitrite to minimize the potential for WQS exceedances within the receiving water.

Effluent concentrations for nitrate+nitrite from January 2008 through December 2012 indicate effluent concentrations as high as 6,230 µg/L. However, the MCBH informed the DOH via comments received on September 17, 2013 that the July 2013 Nitrate + Nitrite Nitrogen result was 6,400 µg/L. In consideration of this new data, a performance-based single sample effluent limitation of 6,400 µg/L has been established based on the maximum effluent concentration observed over the previous permit term.

Anti-backsliding regulations are satisfied because the effluent limitations were not established in the previous permit for nitrate plus nitrite, thus these limitations are at least as stringent as the previous permit.

g. pH

The Permittee was previously granted a ZOM for pH. The pH value at the edge observed at the edge of the ZOM ranged between 7.8 and 8.3 s.u. and is within the water quality standards for open coastal waters in HAR, Section 11-54-6(b)(3). Thus, the technology-based effluent limitations of between 6.0 to 9.0 at all times appears to be protective of water quality outside the ZOM and has been carried over.

h. Oil and Grease

HAR, Section 11-54-4(a)(2) establishes a narrative water quality objective that all waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants, including oil and grease. Oil and grease is a pollutant commonly found in the effluent from wastewater treatment plants serving municipalities. The maximum effluent concentration

for oil and grease was 5.9 mg/L. The previous permit included a maximum daily effluent limitation of 10 mg/L for oil and grease because many of the industrial discharges to the facility are from oil and grease separators. This permit retains the maximum daily effluent limitation of 10 mg/L.

i. Enterococcus

The discharge consists of treated sewage which may contain pathogens at elevated concentrations if not properly disinfected, sufficient to impact human health or the beneficial uses of the receiving water. Consistent with 3.3 of EPA's TSD, the regulatory authority should consider additional information discussed under Section 3.2 (i.e., type of industry, type of POTW, type of receiving water and designated uses, etc.) when evaluating reasonable potential. Reasonable potential can be determined without effluent or receiving water exceedances of applicable water quality criteria. Because the facility is a POTW, and pathogens are characteristic of treated municipal wastewater, and the beneficial uses of the receiving water include recreation where human contact may occur, reasonable potential for enterococcus has been determined. To ensure the protection of human health, this permit establishes effluent limitations for enterococcus.

HAR, Section 11-54-8(b) establishes water quality objectives for marine recreational waters within 300 meters (1,000 feet) of shore. As discussed in Part E.3.a of this Fact Sheet, the draft permit establishes receiving water limitations for marine recreational waters within 300 meters (1,000 feet) from shore based on State regulations contained in HAR, Chapter 11-54. Federal regulations at 40 CFR 131.41(c)(2) establish water quality standards for bacteria in marine waters beyond 300 meters from shore, based on CWA Section 304(a). 40 CFR 122.44(d)(1)(vi)(B) states that where a State has not established a water quality criterion for a specific pollutant with reasonable potential, the permitting authority must establish effluent limitations on a case-by-case basis, using EPA's water quality criteria published under Section 304(a) of the CWA. Since Outfall Serial No. 001 is beyond 300 meters (1,000 feet) off shore, there is no applicable State water quality objective for the discharge, and EPA's criteria for enterococcus specified in 40 CFR 131.41 is applicable.

The applicable single sample maximum criteria for marine waters defined as infrequent use coastal recreation waters is 501 CFU/100 mL.

Receiving water data from March 2008 through October 2012 indicate that there were no exceedances of enterococcus at the edge of the mixing zone, as seen in Table F-12. Additionally, monitoring data from control station M6 indicates that assimilative capacity does exist for enterococcus within the receiving water, thus dilution should be granted for enterococcus.

The draft permit establishes the following end-of-pipe effluent limitations and monitoring requirements for enterococcus at Outfall Serial No. 001 based on 40 CFR 131.41(c)(2) and dilutions discussed below. Although the human contact with the receiving water may be infrequent, human contact within the zone of mixing may occur, thus for the protection of human health due to the potential for acute illness from pathogens, the minimum initial dilution of 185:1 was used to calculate applicable WQBELs for enterococcus.

- (1) Due to the potential for human contact within the receiving water, A geometric mean of 6,510 CFU per 100 milliliters, based on the geometric mean of 35 CFU per 100 milliliters and a dilution of 185:1. Based on effluent data from January 2009 through March 2012, the minimum reported effluent enterococcus concentration was 12,000 CFU per 100 milliliters, indicating that the Permittee has the reasonable potential to cause or contribute to an exceedance of the water quality criteria for enterococcus. Thus, the monthly geometric mean of 6,510 CFU per 100 milliliters has been applied as an effluent limitation in the draft permit.
- (2) Considering the applicable single sample maximum for coastal recreation waters of 501 CFU per 100 milliliters and a dilution of 185:1, the resulting WQBEL is 93,186 CFU per 100 milliliters. Based on effluent data from January 2009 through March 2012, the maximum reported effluent enterococcus concentration was 250,000 CFU per 100 milliliters, indicating that the Permittee has the reasonable potential to cause or contribute to an exceedance of the water quality criteria for enterococcus. Thus, the single sample maximum of 93,186 CFU per 100 milliliters has been applied as an effluent limitation in the draft permit.

On September 17, 2013, due to the determination that it is not feasible to comply with the applicable effluent limitations for enterococcus, the Permittee, requested a compliance schedule for enterococcus. The DOH requested additional information on October 17, 2013 in regards to this, and the Permittee provided a recommended compliance schedule on September 20, 2013 based on the minimum time needed to complete each task.

Based on effluent data from January 2009 through March 2012, the MEC is 250,000 CFU/100 mL and the highest reported geometric mean was 43,691 CFU/100 mL. It does not appear the Permittee can immediately comply with the effluent limitations for enterococcus. Consistent with HAR 11-55-21, this permit establishes a compliance schedule for the Permittee to comply with final effluent limitations for enterococcus as soon as possible, but no longer than 9.5 years from permit issuance.

The schedule of compliance is being proposed for a parameter that was not limited at the proposed level in the previous permit and the existing discharge is not expected to comply with the proposed limitations. Final compliance will

ultimately require the implementation of an unidentified treatment technology, with unknown implementation and operations costs. Necessary facility upgrades are expected to include costly and time extensive upgrades. Sufficient time to select the preliminary preferred alternative, conduct pilot testing, engineering design, permitting, construction, and optimization and testing is not available prior to the effective date of this permit. Thus, a compliance schedule is necessary.

HAR, Section 11-55-21(b) states, "When a schedule specifies compliance longer than one year after permit issuance, the schedule of compliance shall specify interim requirements and the dates for their achievement and in no event shall more than one year elapse between interim dates. If the time necessary for completion of interim requirement (such as the construction of a treatment facility) exceeds one year and is not readily divided into stages for completion, the schedule shall specify interim dates for the submission of reports of progress towards completion of the interim requirements."

During the compliance schedule, the Permittee is required to maintain current treatment capability. Interim effluent limitations for enterococcus have been established until the final effluent limitations become effective. Interim effluent limitations have been developed based on observed effluent data over the recent permit-term. A single sample maximum effluent limitation has been established equal to the maximum effluent concentration (250,000 µg/L) and an monthly geomean effluent limitation has been established based on the highest observed monthly geomean (43,691 µg/L).

As previously discussed, effluent data indicate that the Permittee cannot immediately comply with the proposed effluent limitations for enterococcus, anticipated upgrades necessary to comply with the final effluent limitations may not be implemented prior to the effective date of the permit, a compliance schedule that represents the minimum time period for compliance has been established, and interim effluent limitations have been established that require the Permittee to maintain current treatment capabilities. The proposed schedule of compliance is in accordance with HAR, Section 11-55-21(b) and 40 CFR 122.47.

Anti-backsliding regulations are satisfied because effluent limitations were not established in the previous permit for enterococcus, thus these limitations are at least as stringent as the previous permit.

j. Storm Water – Outfall Serial No. 002

The previous permit identified Outfall Serial No. 002 as a storm water outfall. During the term of the previous permit, the facility did not discharge to Outfall Serial No. 002. Accordingly, the proposed storm water runoff discharge conditions and requirements are incorporated in the draft permit based on

Appendix B of HAR, Chapter 11-55, *NPDES General Permit for Storm Water Associated with Industrial Activities*. The Permittee is also required to implement and revise its Storm Water Pollution Control Plan, as discussed in Part G.5.a of this Fact Sheet. The storm water requirements are retained from the previous permit.

k. Whole Effluent Toxicity (WET)

WET limitations protect receiving water quality from the aggregated toxic effect of a mixture of pollutants in an effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent or receiving water. The WET approach allows for protection of the narrative criterion specified in HAR, Chapter 11-54-4(b)(2) while implementing Hawaii's numeric WQS for toxicity. There are two types of WET tests – acute and chronic. An acute toxicity test is conducted over a short period of time and measures mortality. A chronic toxicity test is generally conducted over a longer period of time and may measure mortality, reproduction, or growth.

The previous permit established a chronic WET effluent limitation at Outfall Serial No. 001 for *Ceriodaphnia dubia* and additional monitoring for *Tripneustes gratilla*.

Whole effluent toxicity data for the time period between January 2009 and March 2012 using the test species *C. dubia* did not result in an exceedance of the chronic toxicity effluent limitation; however, monitoring results for *T. gratilla* indicates that the Discharger has reasonable potential to exceed the effluent limitation for chronic toxicity of 186 TU_c established in the previous permit for Outfall Serial No. 001, with effluent results as high as 476 TU_c.

A chronic WET effluent limitation has been established at Outfall Serial No. 001. For improved WET analysis, DOH has begun implementing EPA's Test of Significant Toxicity Method (TST) for WET effluent limitations within the State. As such, the chronic WET effluent limitation at Outfall Serial No. 001 has been revised to be consistent with the TST method using *T. gratilla*.

T. gratilla is a native species to Hawaii, and as observed in historic effluent data, *T. gratilla* is more sensitive to potential toxic pollutants within the Permittee's effluent than *C. dubia*. The use of *T. gratilla* is representative of toxic impacts on local species.

Test procedures for measuring toxicity to marine organisms of the Pacific Ocean, including *T. gratilla*, are not provided at 40 CFR 136. Consistent with the Preamble to EPA's 2002 Final WET Rule, permit writers may include (under 40 CFR 122.41(j)(4) and 122.44(i)(iv)) requirements for the use of test procedures that are not approved at 40 CFR Part 136 on a permit-by-permit basis. The use of alternative methods for West coast facilities in Hawaii is further supported under 40 CFR 122.21(j)(5)(viii), which states, "West coast facilities in...,

Hawaii,... are exempted from 40 CFR [P]art 136 chronic methods and must use alternative guidance as directed by the permitting authority.”

EPA has issued applicable guidance for conducting chronic toxicity tests using Tropical Collector Urchin, *Tripneustes gratilla*, Fertilization Test Method, April 2012, Amy Wagner, U.S. EPA, Region 9 Laboratory, Richmond, CA and Diane Nacci, U.S. EPA, Office of Research and Development National Health and Environmental Effects Research Laboratory, Atlantic Ecology Division, Narragansett, RI (EPA/600/R-12/022).

As previously discussed, reasonable potential for WET has been determined for Outfall Serial No. 001 and an effluent limitation must be established in accordance with 40 CFR 122.44(d)(1). Further, a WET effluent limitation and monitoring are necessary to ensure compliance with applicable WQS in HAR, Chapter 11-54-4(b)(2).

The proposed WET limitation and monitoring requirements are incorporated into the draft permit in accordance with the EPA national policy on water quality-based permit limitations for toxic pollutants issued on March 9, 1984 (49 FR 9016), HAR, Section 11-54-4(b)(2)(B), and EPA’s National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (EPA 833-R-10-003, 2010).

Consistent with HAR, Chapter 11-54-4(b)(2)(B), this Permit establishes a chronic toxicity effluent limitation based on the TST hypothesis testing approach. The TST approach was designed to statistically compare a test species response to the in-stream waste concentration (IWC) and a control.

For continuous discharges through submerged outfalls, HAR 11-54-4(b)(4)(A) requires the no observed effect concentration (NOEC), expressed as a percent of effluent concentration, to not be less than 100 divided by the minimum dilution. Thus, the minimum dilution of 185:1 is most appropriate for establishing a critical dilution factor. The following equation is used to calculate the IWC where dilution is granted (Outfall Serial No. 001):

$$\begin{aligned}\text{IWC} &= 100/\text{critical dilution factor} \\ &= 100/185 \\ &= 0.54\%\end{aligned}$$

For any one chronic toxicity test, the chronic WET permit limit that must be met is rejection of the null hypothesis (H_0):

$$\text{IWC (percent effluent) mean response} \leq 0.75 \times \text{Control mean response.}$$

A test result that rejects this null hypothesis is reported as “Pass”. A test

result that does not reject this null hypothesis is reported as “Fail”

The acute and chronic biological effect levels (effect levels of 20% and 25%, respectively, or b values of 0.80 and 0.75, respectively) incorporated into the TST define EPA’s unacceptable risks to aquatic organisms and substantially decrease the uncertainties associated with the results obtained from EPA’s traditionally used statistical endpoints for WET. Furthermore, the TST reduces the need for multiple test concentrations which, in turn, reduces laboratory costs for dischargers while improving data interpretation. A significant improvement offered by the TST approach over traditional hypothesis testing is the inclusion of an acceptable false negative rate. While calculating a range of percent minimum significant differences (PMSDs) provides an indirect measure of power for the traditional hypothesis testing approach, setting appropriate levels for β and α using the TST approach establishes explicit test power and provides motivation to decrease within test variability which significantly reduces the risk of under reporting toxic events (USEPA 2002¹).

Taken together, these refinements simplify toxicity analyses, provide dischargers with the positive incentive to generate high quality data, and afford effective protection to aquatic life.

A WET effluent limitation based on the TST hypothesis testing approach is protective of the WQS for toxicity contained in HAR, Section 11-54-4(b)(4)(B) and is not considered to be less stringent. Use of the TST approach is consistent with the requirements of State and federal anti-backsliding regulations.

I. Summary of Final Effluent Limitations

HAR, Section 11-55-20 requires that daily quantitative limitations by weight be established where possible. Thus, in addition to concentration based-effluent limitations, mass-based effluent limitations (in pounds per day) have been established where applicable based on the following formula:

$$\text{lbs/day} = 8.34 * \text{concentration (mg/L)} * \text{flow (MGD)}$$

40 CFR 122.45(b)(1) requires that mass-based effluent limitations for POTWs be based on design flow. The previous permit established mass based effluent limitations on a design flow of 2.0 MGD. This draft permit continues to include mass-based effluent limitations using a flow of 2.0 MGD.

¹ U.S. Environmental Protection Agency. 2002a. Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (5th Edition). EPA 821-R-02-012. Washington, DC: Office of Water.

(a) Outfall Serial No. 001

The following table lists final effluent limitations at Outfall Serial No. 001 contained in the draft permit and compares them to effluent limitations contained in the previous permit.

Table F-6. Summary of Final Effluent Limitations – BOD₅ and TSS

Parameter	Units	Effluent Limitations Contained in the Previous Permit			Proposed Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily
Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	mg/L	30	45	--	30	45	--
	lbs/day ¹	500	751	--	500	751	--
	% Removal	As a monthly average, not less than 85 percent removal efficiency from the influent stream.			The average monthly percent removal shall not be less than 85 percent.		
Total Suspended Solids (TSS)	mg/L	30	45	--	30	45	--
	lbs/day ¹	500	751	--	500	751	--
	% Removal	As a monthly average, not less than 85 percent removal efficiency from the influent stream.			The average monthly percent removal shall not be less than 85 percent.		

¹ Based on a design flow of 2.0 MGD.

Table F-7. Summary of Final Effluent Limitations – All Other Pollutants

Parameter	Units	Effluent Limitations Contained in the Previous Permit			Proposed Effluent Limitations		
		Average Annual	Average Monthly	Maximum Daily	Average Annual	Average Monthly	Maximum Daily
pH	s.u.	Not less than 6.0 and not greater than 9.0			Not less than 6.0 and not greater than 9.0		
Chlordane	µg/L	--	--	--	0.030 ⁷	--	0.74 ⁷
	lbs/day ¹	--	--	--	0.00050 ⁷	--	0.012 ⁷
Enterococci	CFU/100 ml	--	--	--	--	6,510 ^{2,8}	93,186 ^{3,8}
Oil and Grease	mg/L	--	--	10	--	--	10
	lbs/day ¹	--	--	--	--	--	167
Ammonia Nitrogen	µg/L	--	--	--	--	--	26,810 ⁴
	lbs/day ¹	--	--	--	--	--	447 ⁴
Nitrate Plus Nitrite Nitrogen	µg/L	--	--	--	--	--	6,400 ⁴
	lbs/day ¹	--	--	--	--	--	107 ⁴
Chronic Toxicity – <i>Ceriodaphnia Dubia</i>	TUc	--	--	186	--	--	--
Chronic Toxicity – <i>Tripneustes Gratilla</i>	--	--	--	5	--	--	Pass ⁶

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- 1 Based on a design flow of 2.0 MGD.
- 2 Effluent limitation expressed as a monthly geometric mean.
- 3 Effluent limitation expressed as a single sample maximum.
- 4 Applied as a single sample maximum.
- 5 The chronic toxicity discharge limitation of 186 TUc listed in Part A.1 of the previous permit does not apply to monitoring results for toxicity tests using *Tripneustes gratilla*.
- 6 "Pass", as described in section D.2.k of this Fact Sheet.
- 7 A maximum daily interim effluent limitation of 3.48 µg/l and 0.058 lbs/day has been established for Chlordane. There is no average annual interim established limit as the annual interim limit would be the same as the maximum daily interim limit (3.48 µg/l). The Permittee must comply with final effluent limitations within 9.5 years of permit issuance. If compliance with the final effluent limitations are possible prior to this date, the Permittee shall comply with the final effluent limitation as soon as possible.
- 8 Interim effluent limitations have been established for Enterococci. Interim effluent limitations include a monthly geometric mean of 43,691 CFU/100 mL and a single sample maximum of 250,000 CFU/100 mL. The Permittee must comply with final effluent limitations within 9.5 years of permit issuance. If compliance with the final effluent limitations are possible prior to this date, the Permittee shall comply with the final effluent limitations as soon as possible.

(b) Outfall Serial No. 002

The following table lists storm water limitations at Outfall Serial No. 002 contained in the draft permit and compares them to effluent limitations contained in the previous permit.

Table F-8. Summary of Final Storm Water Limitations

Parameter	Units	Storm Water Limitations Contained in the Previous Permit ¹	Proposed Storm Water Limitations ¹
Flow	MGD	²	²
Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	mg/L	²	²
Chemical Oxygen Demand	mg/L	²	²
Total Suspended Solids (TSS)	mg/L	100	100
Total Phosphorus	mg/L	²	²
Total Nitrogen	mg/L	²	²
Nitrate Plus Nitrite Nitrogen	mg/L	²	²
Oil and Grease	mg/L	15	15
pH	standard units	7.0 – 8.6	7.0 – 8.6

¹ Pollutant concentration levels shall not exceed the storm water discharge limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those storm water discharge limits or are outside those ranges shall be reported to the Director within 30 days after the Permittee becomes aware of the results. The Permittee shall provide the DOH with an explanation of the pollutant origin. Monitoring results shall be submitted to the DOH on the DMR form.

² No limitation, only monitoring required.

m. Satisfaction of Anti-Backsliding Requirements

The CWA specifies that a revised permit may not include effluent limitations that are less stringent than the previous permit unless a less stringent limitation is justified based on exceptions to the anti-backsliding provisions

contained in CWA Sections 402(o) or 303(d)(4), or, where applicable, 40 CFR 122.44(l).

Federal anti-backsliding regulations at 40 CFR 122.44(l)(i) allows for effluent limitations in a reissued permit to be less stringent if information is available which was not available at the time of the permit issuance and which have justified the application of a less stringent effluent limitation. The draft permit retains all effluent limitations from the previous permit. Therefore, effluent limitations and requirements for all pollutants are at least as stringent as those in the previous permit and are consistent with State and federal anti-backsliding regulations.

n. Satisfaction of Antidegradation Policy Requirements

The DOH established the State antidegradation policy in HAR, Section 11-54-1.1, which incorporates the federal antidegradation policy at 40 CFR 131.12. HAR, Section 11-54-1.1 requires that the existing quality of waters be maintained unless degradation is justified based on specific findings demonstrating that allowing lower water quality is necessary to accommodate economic or social development in the area in which the waters are located. All effluent limitations and requirements of the draft permit are retained from the previous permit. Therefore, the permitted discharge is consistent with antidegradation provisions of 40 CFR 131.12 and HAR, Section 11-54-1.1. The impact on existing water quality will be insignificant and the level of water quality necessary to protect the existing uses will be maintained and protected.

E. Rationale for Receiving Water and Zone of Mixing Requirements

1. Summary of ZOM Water Quality Standards and Monitoring Data

The following are effluent quality monitoring results for HAR, Chapter 11-54, specific water quality criteria parameters that were provided in the ZOM Application on January 26, 2011, and applicable ZOM water quality criteria from 11-54-6(b)(3).

Table F-9. ZOM Monitoring Data

Parameter	Units	Applicable Water Quality Standard	Maximum Reported Concentration ¹
Total Nitrogen	µg/L	110 ²	24,000
Ammonia Nitrogen	µg/L	2.0 ²	14,900
Nitrate + Nitrite	µg/L	3.5 ²	3,300
Orthophosphate Phosphorus	µg/L	--	2.7
Total Phosphorus	µg/L	16 ²	4,000
Chlorophyll <i>a</i>	µg/L	0.15 ²	<0.5
Turbidity	NTU	0.20 ²	4.7

Parameter	Units	Applicable Water Quality Standard	Maximum Reported Concentration ¹
TSS	mg/L	--	14
pH	s.u.	³	6.8
Dissolved Oxygen	mg/L	⁴	8.7
Temperature	°C	⁵	23
Salinity	ppm	⁶	1,600

¹ Source: ZOM Application dated January 26, 2011.

² Water quality standard expressed as a geometric mean.

³ pH shall not deviate more than 0.5 units from a value of 8.1, except at coastal locations where and when freshwater from stream, storm drain, or groundwater discharge may depress the pH to a minimum level of 7.0.

⁴ Dissolved oxygen shall not be less than 75 percent saturation.

⁵ Temperature shall not vary more than 1° Celsius from ambient conditions.

⁶ Salinity shall not vary more than 10 percent from natural or seasonal changes considering hydrologic input and oceanographic factors.

2. Existing Receiving Water Limitations and Monitoring Data

a. Shoreline Stations

The following are a summary of the geometric mean values reported for each shoreline monitoring location by the Kailua Regional Wastewater Treatment Plant in the monthly DMRs from January 2008 through October 2012.

Table F-10. Shoreline Monitoring Stations

Station	Geometric Mean ¹
	Enterococcus ²
	CFU/100 mL
MS1	2.1
MS2	23.3
MS4	9.1
Kailua Beach	7.2
Kalama Beach	3.7
North Beach	2.8
Oneawa Beach	5.3
Applicable Water Quality Standard	³

¹ Source: Monthly DMRs submitted by the Kailua Regional Wastewater Treatment Plant from January 2008 through October 2012.

² Reported geometric mean is the maximum annual geometric mean reported at each monitoring station.

³ The water quality standard during the drafting of the previous permit was a geometric mean of 7 CFU/100 mL. The water quality standard established in HAR 11-54 during the drafting of the

draft permit is a geometric mean of 35
CFU/100 mL.

b. Nearshore Stations

The following are a summary of the geometric mean values reported for each nearshore monitoring location by the Kailua Regional Wastewater Treatment Plant in the monthly and quarterly DMRs from January 2008 through October 2012.

Table F-11. Nearshore Monitoring Stations

Station	Geometric Mean ¹
	Enterococcus ²
	CFU/100 mL
MN1	0.65
MN2	0.81
MN3	0.73
MN4	0.63
Applicable Water Quality Standard	3

¹ Source: Monthly and Quarterly DMRs submitted by the Kailua Regional Wastewater Treatment Plant from January 2008 through October 2012.

² Reported geometric mean is the maximum annual geometric mean from the top, middle, and bottom sampling points at each station.

³ The water quality standard during the drafting of the previous permit was a geometric mean of 7 CFU/100 mL. The water quality standard established in HAR 11-54 during the drafting of the draft permit is a geometric mean of 35 CFU/100 mL.

Nearshore sampling was removed for this outfall shared with the Kailua Regional Wastewater Treatment Plant for the following reasons provided by the City and County of Honolulu: 1) the U.S. Navy has designated a 500-yard (or 457.2 meter) prohibited area around the perimeter of Mokapu Peninsula, 2) there are no exceedances of enterococcus that would give rise to such a requirement, 3) due to existing hazardous conditions (hazardous wind and water conditions including breaking waves, gale winds, swells, and inclement weather can create very dangerous situations for conducting water quality sampling within the 300 meter boundary), and 4) in order to minimize direct line of fire from the Ulupau Crater Weapons Training Range (Stations MN1 and MN2 are located at the boundary of this prohibited area).

c. Offshore Stations

The following are a summary of the geometric mean values reported for each offshore monitoring location by the Kailua Regional Wastewater Treatment

Plant, which shares the Ocean Outfall, in the monthly and quarterly DMRs from January 2008 through October 2012.

Table F-12. Offshore Monitoring Stations

Station	Highest Observed Geometric Mean ¹						
	Enterococcus ²	Nitrate + Nitrite Nitrogen ²	Ammonia Nitrogen ²	Total Nitrogen ²	Total Phosphorus ²	Turbidity ²	Chlorophyll <u>a</u> ²
	CFU/100 mL	µg/L	µg/L	µg/L	µg/L	NTU	µg/L
M1 (Control Station)	0.78	1.19	1.77	93.02	7.27	0.24	0.18
M2	2.4	3.72	3.38	93.02	8.73	0.23	0.18
M3	2.2	1.19	2.15	93.52	8.15	0.21	0.16
M4	5.9	1.79	2.98	91.77	7.95	0.24	0.18
M5	2.4	2.57	4.16	90.45	7.79	0.23	0.19
M6 (Control Station)	1.6	1.33	3.10	92.28	7.58	0.23	0.16
Applicable Water Quality Standard	³	3.5	2.0	110	16	0.20	0.15

¹ Source: Monthly and Quarterly DMRs submitted by the Kailua Regional Wastewater Treatment Plant from January 2008 through October 2012.

² Reported geometric mean is the maximum annual geometric mean from the top, middle, and bottom sampling points at each station.

³ The water quality standard during the drafting of the previous permit was a geometric mean of 7 CFU/100 mL. The water quality standard established in HAR 11-54 during the drafting of the draft permit is a geometric mean of 35 CFU/100 mL.

3. Proposed Receiving Water Limitations

a. Basic Water Quality Criteria Applicable to the Facility

(1) The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the DOH, as required by the Water Quality Act of 1987 (P.L. 100-4) and regulations adopted thereunder. The DOH adopted water quality standards specific for open coastal waters in HAR, Chapter 11-54. The draft permit incorporates receiving water limitations and requirements to ensure the facility does not exceed applicable water quality standards.

(2) The Pacific Ocean off of Mokapu Peninsula is designated as “Class A Dry Open Coastal Waters”. As such, the discharge from the facility shall not interfere with the attainment or maintenance of that water quality which assures protection of public water supplies and the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife and allows recreational activities in and on the water. The draft

permit incorporates receiving water limitations for the protection of the beneficial uses of Pacific Ocean.

The Permittee is required to comply with the HAR, Chapter 11-54, Basic Water Quality Criteria of which has been incorporated as part of the draft permit under Section 1 of the DOH Standard NPDES Permit Conditions, dated December 30, 2005.

(3) The following criteria are included in HAR, Section 11-54-8(b) for recreational areas in marine recreational waters:

(a) Within 300 meters of the shoreline, including natural public bathing or wading areas, enterococcus content shall not exceed a geometric mean of 35 CFU per 100 milliliters in not less than five samples which shall be spaced to cover a period between 25 and 30 days. No single sample shall exceed the single sample maximum of 104 CFU per 100 milliliters.

Based on the *Water Quality Standards for Coastal and Great Lakes Recreation Waters, Final Rule* (69 FR 67221), the previous permit included a geometric mean of 35 CFU per 100 milliliters and a single sample maximum of 104 CFU per 100 milliliters. In addition, based on the State Enterococcus standard at the time of reissuance, the previous permit included a geometric mean of 7 CFU per 100 milliliters and a single sample maximum of 100 CFU per 100 milliliters. However, as explained by the DOH in *Rationale for Proposed Revisions to Hawaii Administrative Rules Title 11 Department of Health Chapter 54 Water Quality Standards*, the State enterococcus standard of 7 CFU per 100 milliliters was based mainly on a health risk assessment, not as a regulatory limit. In the rationale, the DOH recommended that the State enterococcus water quality standard be revised to a geometric mean of 35 CFO per 100 milliliters and a single sample maximum value of 104 CFO per 100 ml to be consistent with federal standards. The new standards were adopted by the DOH on June 15, 2009, and approved by the EPA on March 19, 2010. Therefore, the draft permit only includes the new enterococcus standards from HAR, Section 11-54-8(b) for recreational waters within 300 meters of shoreline. Since the new water quality standards were adopted by the DOH and EPA for all marine recreational waters, DOH has determined that the impact the new water quality standards established in the draft permit will be insignificant and the level of water quality necessary to protect the existing uses will be maintained and protected.

(b) At locations where sampling is less frequent than five samples per 25 to 30 days, no single sample shall exceed the single sample maximum

nor shall the geometric mean of these samples taken during the 30-day period exceed 35 CFU per 100 milliliters.

- (c) Raw or inadequately treated sewage, sewage for which the degree of treatment is unknown, or other pollutants of public health significance, as determined by the director of health, shall not be present in natural public swimming, bathing, or wading areas. Warning signs shall be posted at locations where human sewage has been identified as temporarily contributing to the enterococcus count.

The draft permit establishes these criteria for recreational areas, as described in Part C of the draft permit, to be consistent with HAR, Section 11-54-8(b).

b. Specific Criteria for “Class A Dry Open Coastal Waters”

Table F-13. Specific Criteria for “Class A Dry Open Coastal Waters”

Parameter	Units	Geometric mean not to exceed the given value	Not to exceed the given value more than 10% of the time	Not to exceed the given value more than 2% of the time
Total Nitrogen	µg/L	110.00	180.00	250.00
Ammonia Nitrogen	µg/L	2.00	5.00	9.00
Nitrate + Nitrite Nitrogen	µg/L	3.50	10.00	20.00
Total Phosphorus	µg/L	16.00	30.00	45.00
Light Extinction Coefficient	k units	0.10	0.30	0.55
Chlorophyll <u>a</u>	µg/L	0.15	0.50	1.00
Turbidity	NTU	0.20	0.50	1.00
pH	standard units	Shall not deviate more than 0.5 standard units from a value of 8.1, except at coastal locations where and when freshwater from stream, stormdrain, or groundwater discharge may depress the pH to a minimum level of 7.0.		
Dissolved Oxygen	% saturation	Shall not be less than 75 percent saturation, determined as a function of ambient water temperature and salinity.		
Temperature	°C	Shall not vary more than 1°C from ambient conditions.		
Salinity	ppt	Shall not vary more than 10 percent from natural or seasonal changes considering hydrologic input and oceanographic factors.		

The specific water quality criteria listed at HAR, Section 11-54-6(b)(3) for “Class A Dry Open Coastal Waters” shall apply to the treated wastewater through Outfall Serial No. 001, as seen in the table above, at the edge of the mixing zone. The discharges from Outfall Serial No. 001 shall comply with the values listed in the table above, except that the specific water quality

criteria for the parameters may be exceeded within the boundaries of the ZOM.

These requirements are consistent with HAR, Chapter 11-54 and retained from the previous permit.

c. Zone of Mixing (ZOM)

HAR, Chapter 11-54 allows for a ZOM, which is a limited area around outfalls to allow for initial dilution of waste discharges, if the ZOM is in compliance with requirements in HAR, Section 11-54-9(c). The Permittee has requested that the existing ZOM, also issued to the Kailua Regional Wastewater Treatment Plant, for the assimilation of treated wastewater be retained. Consistent with the current permit, the ZOM requested is 1,000 feet wide and 1,960 feet along the centerline of the diffuser, and extends vertically downward to the ocean floor.

- (1) Prior to the renewal of a ZOM, the environmental impacts, protected uses of the receiving water, existing natural conditions, character of the effluent, and adequacy of the design of the outfall must be considered. The following findings were considered:
 - (a) The Permittee's ZOM application indicates that the existing physical environment is a marine bottom, class II reef flats. The ZOM application indicates that no major physical effects are expected due to the continuation of the ZOM.
 - (b) The diffuser for Outfall Serial No. 001 reportedly provides a minimum of 185:1 dilution and discharges approximately 3,323 feet offshore. No information provided in the ZOM application indicates that dilution would be negatively impacted by current conditions. Further, the permit requires the Permittee to conduct a ZOM Dilution Analysis Study to evaluate the available dilution at the edge of the ZOM within 3 years of the effective date of the permit and verify the presence or absence of assimilative capacity for nutrients with reasonable potential.
 - (c) The Permittee's ZOM application indicates that, based on monitoring data on the existing chemical environment, there seems to be no difference in water quality between the ZOM stations and control stations. Therefore, there appears to be no major environmental effects on the receiving water from the discharge.
 - (d) Effluent data and receiving water data are provided in Tables F-5, F-8, F-9, F-10, and F-11 of this Fact Sheet. The effluent and receiving water data indicate there is a potential for nutrient (ammonia nitrogen) impairment as discussed in Part D.2.e of this Fact Sheet. However,

biological monitoring of the Facility's diffuser found that no evidence of negative impacts to fish populations due to the diffuser were identified.

(2) HAR 11-54-9(c)(5) prohibits the establishment of a ZOM unless the application and supporting information clearly show: that the continuation of the ZOM is in the public interest; the discharge does not substantially endanger human health or safety; compliance with the WQS would produce serious hardships without equal or greater benefits to the public; and the discharge does not violate the basic standards applicable to all waters, will not unreasonably interfere with actual or probable use of water areas for which it is classified, and has received the best degree of treatment or control. The following findings were made in consideration of HAR 11-54-9(c)(5):

- (a) The Facility treats domestic wastewater for approximately 16,000 people on the Marine Corps Base Hawaii, Kaneohe Bay and is a necessity for public health. There are no other treatment facilities currently servicing this area and a cessation of function or operation would cause severe hardship to the residents.
- (b) The level of treatment of the discharge and the depth and distance of the outfall offshore does not substantially endanger human health or safety. A review of the shoreline, nearshore, and offshore enterococcus bacteria data does not indicate a shoreward movement of the ocean outfall discharge.
- (c) The feasibility and costs to install treatment necessary to meet applicable WQS end-of-pipe, or additional supporting information, were not provided by the Permittee to demonstrate potential hardships. As discussed in Part E.3.c.(2)(a), the operation of the Facility has been found to benefit the public. No information is known that would revise the finding during the previous permit term that compliance with the applicable WQS without a ZOM would produce serious hardships without equal or greater benefits to the public.
- (d) As discussed in Part D.2.c.(5)(c) of this Fact Sheet, effluent data indicates the presence of pollutants in excess of applicable WQS. However, this permit establishes water quality-based effluent limitations based on WQS. The Permit requires compliance with the effluent limitations and conditions which are protective of the actual and probable uses of the receiving water and implement applicable technology-based effluent limitations.

The Department has determined that the ZOM satisfies the requirements in HAR, Section 11-54-09(c)(5).

The establishment of the ZOM is subject to the conditions specified in Part D of the draft permit.

F. Rationale for Monitoring and Reporting Requirements

40 CFR 122.41(j) specify monitoring requirements applicable to all NPDES permits. HAR, Section 11-55-28 establishes monitoring requirements applicable to NPDES permits within the State of Hawaii. 40 CFR 122.48 and HAR, Section 11-55-28 require that all NPDES permits specify requirements for recording and reporting monitoring results. The principal purposes of a monitoring program are to:

- Document compliance with waste discharge requirements and prohibitions established by the DOH;
- Facilitate self-policing by the Permittee in the prevention and abatement of pollution arising from waste discharge;
- Develop or assist in the development of limitations, discharge prohibitions, national standards of performance, pretreatment and toxicity standards, and other standards; and,
- Prepare water and wastewater quality inventories.

The draft permit establishes monitoring and reporting requirements to implement federal and State requirements. The following provides the rationale for the monitoring and reporting requirements contained in the draft permit.

1. Influent Monitoring

Influent monitoring is required to determine the effectiveness of pretreatment and non-industrial source control programs, to assess the performance of treatment facilities, and to evaluate compliance with effluent limitations. Influent monitoring requirements for flow, BOD₅, and TSS have been retained from the previous permit. Additionally, influent monitoring for chlordane, nitrate plus nitrite, total nitrogen, and total phosphorus has been established in the draft permit in order to determine if said pollutants are present in the influent in elevated concentrations, evaluate treatment performance, and characterize the influent for future permitting efforts. The proposed influent water monitoring requirements are specified in Part A.1 of the draft permit.

2. Effluent Monitoring

a. Outfall Serial No. 001

The following monitoring requirements are applicable at Outfall Serial No. 001.

- (1) Monitoring requirements for total nitrogen and total phosphorus are retained from the previous permit to enable comparison with the receiving water ZOM monitoring results to evaluate if the facility effluent is contributing to elevated concentrations of total nitrogen and total phosphorus.
- (2) Monitoring requirements for ammonia, nitrate plus nitrite, temperature, and turbidity have been added to the draft permit to determine compliance with effluent limitations, where applicable, and to enable comparison with the receiving water ZOM monitoring results to determine if the facility effluent is contributing to elevated concentrations of said pollutants. Monitoring requirements are consistent with monitoring requirements for other nutrients.
- (3) Monitoring requirements for flow have been retained from the previous permit to calculate pollutant loading and to determine compliance with mass-based effluent limitations.
- (4) Monitoring requirements for pH, BOD₅, enterococcus, oil and grease, and TSS have been retained from the previous permit in order to determine compliance with effluent limitations and to collect data for future RPAs.
- (5) Monitoring requirements for chlordane have been added to the draft permit to determine compliance with newly established effluent limitations for chlordane.
- (6) Monitoring requirements for all other pollutants listed in Appendix 1 are retained from the previous permit in order to collect data for future RPAs. Monitoring is required for these pollutants at a minimum of once per year. Additional monitoring may be performed by the Permittee. Results of additional monitoring shall be included in the DMR submittals as specified in the permit.

b. Storm Water Monitoring – Outfall Serial No. 002

All monitoring requirements for storm water have been retained from the previous permit in order to determine compliance with storm water limitations and to better characterize storm water discharged into Kaneohe Bay.

3. Whole Effluent Toxicity Monitoring

Consistent with the previous permit, monthly whole effluent toxicity testing is required in order to determine compliance with whole-effluent toxicity effluent limitations as specified in Parts A.1 and B of the draft permit.

4. Receiving Water Quality Monitoring Requirements

a. ZOM Dilution Analysis Study

Permit requirements have been based on a limited assessment of assimilative capacity within the receiving water. The Discharger is required to confirm that assimilative capacity is available in the receiving water for nitrate + nitrite and evaluate assimilative capacity for ammonia nitrogen.

b. Ocean Outfall Monitoring

At least once during the term of this permit, the Permittee shall inspect the ocean outfall concurrent with the Kailua Regional Wastewater Treatment Plant and submit the investigation findings to the Director. The outfall inspection shall include, but not be limited to, an investigation of the structural integrity, operational status, and maintenance needs. The Permittee shall include findings of the inspection to the Director in the annual wastewater pollution prevention report in Part F of the draft permit for the year the outfall inspection is conducted. This requirement is retained from the previous permit.

f. Specific Water Quality Parameters Effluent Requirements

The previous permit included operation performance thresholds for total nitrogen and total phosphorus and includes a requirement for an initial investigation evaluation plan if the threshold values are exceeded in the effluent. Effluent data from the term of the previous permit indicates total nitrogen and total phosphorus do not have reasonable potential to cause or contribute to an exceedance above water quality standards for said pollutants. Thus, the draft permit does not retain operational performance thresholds for said pollutants. However, monitoring requirements for total nitrogen and total phosphorus have been retained.

G. Rationale for Provisions

1. Standard Provisions

The Permittee is required to comply with DOH Standard NPDES Permit Conditions, dated December 30, 2005, which are included as part of the draft permit.

2. Monitoring and Reporting Requirements

The Permittee shall comply with all monitoring and reporting requirements included in the draft permit and in the DOH Standard NPDES Permit Conditions.

3. Special Provisions

a. Reopener Provisions

The draft permit may be modified in accordance with the requirements set forth at 40 CFR 122 and 124, to include appropriate conditions or limitations based on newly available information, or to implement any new state water quality criteria that are approved by the EPA.

b. Special Studies and Additional Monitoring Requirements

(1) Toxicity Reduction Requirement. The draft permit requires the Permittee to submit an initial investigation Toxicity Reduction Evaluation (TRE) workplan to the Director and EPA which shall describe steps which the Permittee intends to follow in the event that toxicity is detected. This requirement is retained from the previous permit and is discussed in detail in Part B.2 of the draft permit.

4. Special Provisions for Municipal Facilities

a. Industrial Pretreatment Requirements

The draft permit includes an industrial pretreatment program to minimize the potential for plant upsets due to industrial discharges. The industrial pretreatment requirements are based on the requirements contained in the current permit.

b. Biosolids Requirements

The use and disposal of biosolids is regulated under federal laws and regulations, including permitting requirements and technical standards included in 40 CFR 503, 257, and 258. The biosolids requirements in the draft permit are in accordance with 40 CFR 257, 258, and 503, are based on the previous permit and are consistent with NPDES permits issued to other Hawaii POTWs.

5. Other Special Provisions

a. Storm Water Pollution Control Plan (SWPCP)

The proposed storm water runoff discharge conditions and requirements are incorporated in the draft permit based on the Appendix B of HAR, Chapter 11-55 NPDES *General Permit for Storm Water Associated with Industrial Activities*. Accordingly, the Permittee shall update and implement the SWPCP, as established in the previous permit. The Permittee shall update and implement the SWPCP as specified by the schedule in Part A.4.g of the draft permit.

b. Wastewater Pollution Prevention Program

The draft permit requires the Permittee to submit a wastewater pollution control plan by May 31 each year. This provision is retained from the previous permit and is required to allow DOH to ensure that the Permittee is operating correctly and attaining maximum treatment of pollutants discharged by considering all aspects of the wastewater treatment system. This provision is included in Part F of the draft permit.

- c.** Wastewater treatment facilities subject to the draft permit shall be supervised and operated by persons possessing certificates of appropriate grade, as determined by the DOH. If such personnel are not available to staff the wastewater treatment facilities, a program to promote such certification shall be developed and enacted by the Permittee. This provision is included in the draft permit to ensure that the facility is being operated correctly by personnel trained in proper operation and maintenance. This provision is retained from the previous permit and included in Part J.1 of the draft permit.
- d.** The Permittee shall maintain in good working order a sufficient alternate power source for operating the wastewater treatment and disposal facilities. This provision is retained from the previous permit in order to ensure that if a power failure occurs, the facility is well equipped to maintain treatment operations until power resumes. If an alternate power source is not in existence, the draft permit requires the Permittee to halt, reduce, or otherwise control all discharges upon the reduction, loss, or failure of the primary source of power. This provision is included in Part J.2 of the draft permit.

e. Treatment Plant Maintenance and Process Sludge Monitoring

The draft permit requires the Permittee to utilize a Process Control Program and continue monthly and bimonthly grab sample monitoring of the solid waste stream as part of routine operation and maintenance. These provisions are retained from the previous permit to ensure that the facility is being properly operated and maintained.

f. Response to Spill Sewage

The draft permit requires the Permittee to properly clean up any spill and provide public warnings and limited public access to areas affected by the spill. This provision is retained from the previous permit to ensure that spills are properly cleaned up and do not endanger the public.

H. Public Participation

Persons wishing to comment upon or object to the proposed draft NPDES permit in accordance with HAR, Sections 11-55-09(b) and 11-55-09(d), may submit their comments in writing either in person or by mail, to:

Clean Water Branch
Environmental Management Division
919 Ala Moana Boulevard, Room 301
Honolulu, HI 96814-4920

A public notice was published in the ***Honolulu Star-Advertiser*** on August 20, 2013. The Department of Health, Clean Water Branch reviewed the comments received in response to this public notice and has revised the proposed permit and fact sheet accordingly. A Response to Comments document is attached.